

GEORGIA STATE UNIVERSITY **LAW**

The Intentional Torts: False Imprisonment; IIED




Torts I
Professor Hensel
9/1/09

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An Assault Occurs when D:

intends to and does put another person in apprehension of imminent harmful or offensive contact, coupled with the apparent present ability to complete the battery.




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False Imprisonment: Definition

Big Town Nursing Home, Inc. v. Newman


- * Statement of the Case
- * Definition of "False Imprisonment"



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False Imprisonment:

the intentional, unlawful restraint, through force or threat of force, that confines someone to a bounded area.




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False Imprisonment: Definition

Big Town Nursing Home, Inc. v. Newman

- * Statement of the Case
- * Definition of "False Imprisonment"
- * "Bounded" Area
- * Availability of Escape




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FI: Awareness of Confinement

Parvi v. City of Kingston


- * Statement of the Case
- * The Role of Awareness
- * Restatement's Position



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“Force” v. “Moral Persuasion”

Hardy v. LaBelle’s Distributing Co.



- * Statement of the Case
- * Definition of “Restraint”
- * When Words = Restraint
- * Threats of Future Action

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Restatement:

Actionable Confinement May Be Demonstrated by:

1. Actual or apparent physical barriers;
2. Overpowering physical force or submission thereto;
3. Submission to threat to apply physical force;
4. Submission to duress other than threat to apply physical force; OR
5. Taking person into custody under asserted legal authority.

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Arrest & Conviction

Enright v. Groves


- * Statement of the Case
- * Procedural Posture
- * “Legal Authority”
- * Private Citizens



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Hypo # 1


John & Michelle who have been dating for several months, are out on a date at a frat party. John, thinking that the party is lame, decides to do everyone a favor by spiking a large punch bowl with a few shots of vodka – a move he genuinely believes will be greatly appreciated. Michelle, unaware of the vodka, takes a sip of her punch and says, “Excellent! Someone’s spiked the punch!” Rico, a reformed alcoholic, takes a drink of punch and immediately spits it out, yelling, “Hey! Who spiked the punch?” After John admits his role, Rico sues him the next day. For what, if anything, is John liable?



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Hypo #2

Student in class, after failing miserably at the Socratic method in front of his peers, gets out of his seat, moves to the podium, raises his fist, and says menacingly to the professor, “If you weren’t my professor, I’d punch your lights out.”



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The Intentional Torts:
Intentional Infliction of Emotional Distress




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False Imprisonment:

the intentional, unlawful restraint, through force or threat of force, that confines someone to a bounded area.



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Duty to Release from Confinement

Whittaker v. Sandford

- * Statement of the Case
- * The Duty to Release




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Intentional Infliction of Emotional Distress

State Rubbish Collectors Ass'n v. Siliznoff

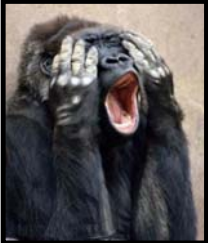
- * Statement of the Case
- * "Physical Injury" Requirement
- * Restatement's Position



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IIED: Modern Definition

One who, without a privilege to do so, intentionally causes severe emotional distress to another through extreme and outrageous conduct is liable for such distress and for bodily harm resulting from it.




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Intentional Infliction of Emotional Distress

State Rubbish Collectors Ass'n v. Siliznoff


- * Statement of the Case
- * "Physical Injury" Requirement
- * Restatement's Position
- * Policy Rationales



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IIED: "Outrageous" Conduct

Slocum v. Food Fair Stores of Florida



- * Statement of the Case
- * Actionable Conduct
- * The Sensitive Plaintiff
- * Policy Rationales

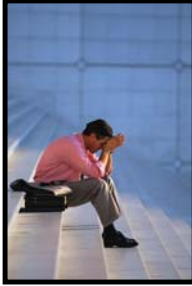
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Factors that tend to reflect "outrageousness"

- * Abuse of Power
- * Harming P known to be especially vulnerable
- * Repeating & continuing acts when P can't leave
- * Committing acts of physical violence or threatening violence or serious economic harm

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IIED: "Severe" Distress



Harris v. Jones


- * Statement of the Case
- * Evidence of "Severe" Distress
- * Policy Rationales
- * "Extreme & Outrageous" Conduct

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IIED: Modern Manifestations

Jones v. Clinton

- * Statement of the Case
- * The Role of Perspective



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Hypo #3

Arnold, a personal trainer, eats right and works out with heavy weights on a daily basis. Nevertheless, he is only 98 pounds. He is known for his drill sergeant motivational tactics. John, a large man, signs up to be Arnold's client with the intent of losing weight. During the first training session, Arnold pushes John to the point of exhaustion, and he stops to take a break. Arnold walks up to John, shouting and pointing his finger in his face, "Get up right now! If I have to get you up myself, you'll be sorry! Do you want to be fat & lazy your whole life? You should be ashamed of yourself!" Furious, John leaves the building.

Does he have a COA?

